

## HOUSE BILL NO. 426

INTRODUCED BY G. FORRESTER

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A HOME INSPECTOR FROM PERFORMING MAINTENANCE AND REPAIR WORK ON RESIDENTIAL PROPERTY WITHIN 1 YEAR OF THE DATE ON WHICH THE HOME INSPECTOR CONDUCTED A HOME INSPECTION; REQUIRING THAT THE DEPARTMENT OF COMMERCE ADOPT RULES GOVERNING THE STANDARDS OF PRACTICE FOR HOME INSPECTORS; AMENDING SECTION 30-14-1004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 30-14-1004, MCA, is amended to read:

**"30-14-1004. Requirement -- prohibitions.** (1) A home inspector shall issue a home inspection report to a client after completing a home inspection unless the client agrees in writing to release the home inspector from this obligation.

(2) A home inspector may not:

(a) disclose information concerning the results of a home inspection without the written approval of the home inspector's client or the client's representative;

(b) accept compensation from more than one party with a financial interest in the residential dwelling without written approval from all parties with a financial interest in the residential dwelling;

(c) accept a commission or allowance, directly or indirectly, from another person or business entity associated with the client in connection with work for which the home inspector is responsible to the client;

(d) refuse or otherwise fail to disclose promptly to a client information about any business interest or relationship of the home inspector that may affect the client in connection with a home inspection;

(e) perform maintenance or repair work on residential property that the home inspector inspected within 1 year of the inspection."

NEW SECTION. **Section 2. Rulemaking authority -- department of commerce.** (1) The department

1 of commerce shall adopt rules governing the standards of practice for home inspectors.

2 (2) The department of commerce may adopt by reference nationally recognized standards of  
3 practice, in whole or in part, established by the American society of home inspectors, the national  
4 association of home inspectors, or other nationally recognized organization.

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6 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an  
7 integral part of Title 30, chapter 14, part 10, and the provisions of Title 30, chapter 14, part 10, apply  
8 to [section 2].

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10 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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